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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,478	08/16/2000	Avinash C. Saxena	066241.0111	4549

7590 09/17/2003
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/640,478

Applicant(s)

SAXENA, AVINASH C.

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In both claims there exist a first request that has an associated first content item and header portion, if the header portion includes a hypertext transport protocol, then the same identifier would be attributed to the first content item and the first request, so there no need to examine the header identifier twice and compare the header portion to the criteria twice.

For the purpose of further examination it is assumed that the hypertext transport protocol identifier is examined once and compared to the criteria once.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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claims 1-20 are

~~Claim 1 is~~ rejected under 35 U.S.C. 102(e) as being anticipated by Weber (6,513,062).

Regarding claims 1 and 11, Weber discloses a method and system for communicating data comprising: receiving a first request at a cache server (Column 2, lines 22 – 28), the first request having an associated first content item and having an associated header portion (Column 2, lines 48 – 49); comparing the first content item and the header portion to predefined criteria (Column 4, line 63 – Column 5, line 2); generating a second request based on the criteria the header portion, and the first content item (Column 5, lines 10 – 12), the second request being associated with a second content item; and retrieving the second content item based on the second request (Column 5, lines 27 – 30).

Regarding claims 2 and 12, Weber discloses that the header portion comprises a hypertext transport protocol header portion (Column 4, lines 49 – 51) and wherein comparing the request comprises: examining the hypertext transport protocol header portion associated with the first request; and comparing the hypertext transport protocol header portion to the criteria (Column 4, lines 63 – 65).

Regarding claims 3 and 13, Weber discloses that the predefined criteria comprises a match criteria (Column 4, line 63 – Column 5, line 2) and an associated transform (Column 5, lines 10 – 11).

Regarding claims 4 and 14, Weber discloses that the transform comprises at least one rule indicating how to modify the hypertext transport protocol

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identifier portion associated with the first request to generate the second request (Column 5, lines 19 - 21).

Regarding claims 5 and 15, Weber discloses that the transform comprises at least one rule indicating an element associated with the hypertext transport protocol header portion of the first request to be associated with the hypertext transport protocol identifier portion of the second request (Column 7, lines 62 – 67).

Regarding claims 6 and 16, Weber discloses the match criteria comprises at least one entry, each entry comprising a portion of a hypertext transport protocol identifier (Column 3, line 61 – Column 4, line 4) and comparing the hypertext transport protocol identifier portion to the criteria comprises comparing each entry to the hypertext transport protocol identifier portion of the first request (Column 4, line 63 – Column 5, lines 2).

Regarding claims 7 and 17, Weber discloses that retrieving the second content item comprises: retrieving the second content item based on the second request from the cache server (Column 5, lines 27 – 30) when the second content item is available from the cache server (Column 7, line 61 – Column 8, line 5; and retrieving the first content item based on the first request from the origin server when the second content item is unavailable from the cache server (Column 7, lines 6 – 13).

Regarding claims 8 and 18, Weber discloses the second content item is related to the first content item (Column 2, lines 21 – 27).

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Regarding claims 9 and 19, Weber discloses the second content item comprises a version of the first content item customized in response to data in the header portion associated with the first request (Column 2, lines 21 – 27).

Regarding claims 10 and 20, Weber disclose that generating the second request comprises: adding a hypertext transport protocol identifier portion of the first request to a hypertext transport protocol identifier portion of the second request (Column 5, lines 26 – 30); and associating an element associated with the header portion associated with the first request with the hypertext transport protocol identifier portion of the second request (Column 5, lines 30 – 35).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6253234 issued to Hunt

U. S. Patent No. 6199107 issued to Dujari

U. S. Patent No. 5802299 issued to Logan

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

KB

September 4, 2003



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER